

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CERVECERIA MODELO, S.A. DE C.V. and  
MARCAS MODELO, S.A. DE C.V.,

Plaintiffs,

-against-

USPA ACCESSORIES LLC d/b/a CONCEPT ONE  
ACCESSORIES,

Defendant.  
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: Civil Action No. 07 CV 7998 (HB)  
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: **SUPPLEMENTAL DECLARATION OF**  
: **JOANNA A. DIAKOS IN FURTHER**  
: **SUPPORT OF MOTION TO DISMISS**  
: **AND TO STRIKE DEMAND FOR**  
: **PUNITIVE DAMAGES**  
:  
:

JOANNA A. DIAKOS, hereby declares:

1. I am an associate with the law firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP, attorneys for Plaintiffs Cerveceria Modelo, S.A. de C.V. ("Modelo") and Marcas Modelo, S.A. de C.V. ("Marcas Modelo") (together, "Plaintiffs"). I am admitted to practice in the State of New York and before this Court, and I submit this Supplemental Declaration in further support of Plaintiffs' Motion to Dismiss the Amended Third Counterclaim and to Strike Demand for Punitive Damages.

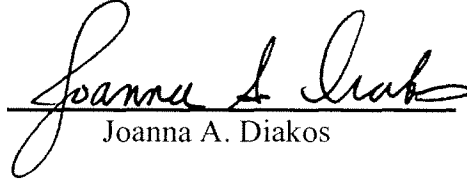
2. The purpose of this declaration is to set before the Court a document that is central to Defendant USPA Accessories LLC d/b/a Concept One Accessories' ("Concept One") tortious interference with contract counterclaim and which the Court may consider on this motion to dismiss.

3. Attached hereto as Exhibit A is a true and correct copy of the letter

directed to retailers referenced in paragraph 108 of Concept One's amended Third Counterclaim.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of December, 2007 in New York, New York.

  
Joanna A. Diakos